



June 7, 2006 BZA

REQUEST ANALYSIS
AND
RECOMMENDATION

Greta Duran and Magno Orellana

06AN0296

Clover Hill Magisterial District
3006 Fox Chase Drive

REQUEST: A Special Exception to permit the keeping of six (6) dogs in a Residential (R-7) District.

RECOMMENDATION

Recommend denial of this Special Exception for the following reasons:

- A. The proposed use may be likely to have an adverse effect on the health, safety or welfare of persons residing on the premises or in the area.
- B. The keeping of six (6) dogs is incompatible with the permitted uses in the Residential (R-7) District.
- C. There are no conditions that will be adequate to address the negative impacts that keeping six (6) dogs on the property will have on the area in general.

GENERAL INFORMATION

Location:

Property is known as 3006 Fox Chase Drive. Tax ID 728-687-6277 (Sheet 9).

Existing Zoning:

R-7

Size:

0.23 acre

Existing Land Use:

Residential

Adjacent Zoning and Land Use:

North - R-7; Residential

South - R-7; Residential

East - R-7; Residential

West - R-7; Open space and Residential

Utilities:

Public water and sewer

General Plan:

(Upper Swift Creek Plan)

Residential

(2.0 units per acre or less)

DISCUSSION

The applicants request a Special Exception to permit the keeping of six (6) dogs in a Residential (R-7) District. This type of request is classified by the Zoning Ordinance as a private kennel. The Ordinance defines a private kennel as "A place where three or more dogs, more than four months old, are kept for private use."

The applicants provide the following information in support of this request:

I would like to have a private kennel on my property to house my six (6) dogs. All but two (2) of my dogs have been spayed or neutered. I have a six (6) foot high privacy fence in the rear yard. I clean my yard at least four (4) times a week of all my dogs' mess. They stay inside the house the majority of the day.

Planning Department staff visited the site in response to a complaint. Staff's inspection revealed that the applicants were in violation of the Zoning Ordinance by keeping more than two (2) adult dogs (private kennel) in a Residential (R-7) District. This request is in response to staff's investigation.

Staff's field inspection revealed a single family dwelling located in the Steeple Chase section of the Brandermill Subdivision. There is open space to the west of the subject property and single family

dwellings located to the north, south and east. A six (6) foot solid board privacy fence is located around the rear yard of the property.

The six (6) dogs consist of four (4) boxers and two (2) chow/mix. Also, the applicants submitted with their application Rabies Certificates for two (2) boxers and two (2) chow/mix. These certificates indicate that the average weight of four (4) of the six (6) dogs is eight-one (81) pounds.

The subject property is 0.23 of an acre and is zoned Residential (R-7). The keeping of this unusually high numbers of dogs is similar in character to a commercial kennel. This proposed use (private kennel) is not compatible with uses that are permitted in a Residential (R-7) District which is intended for single-family dwellings.

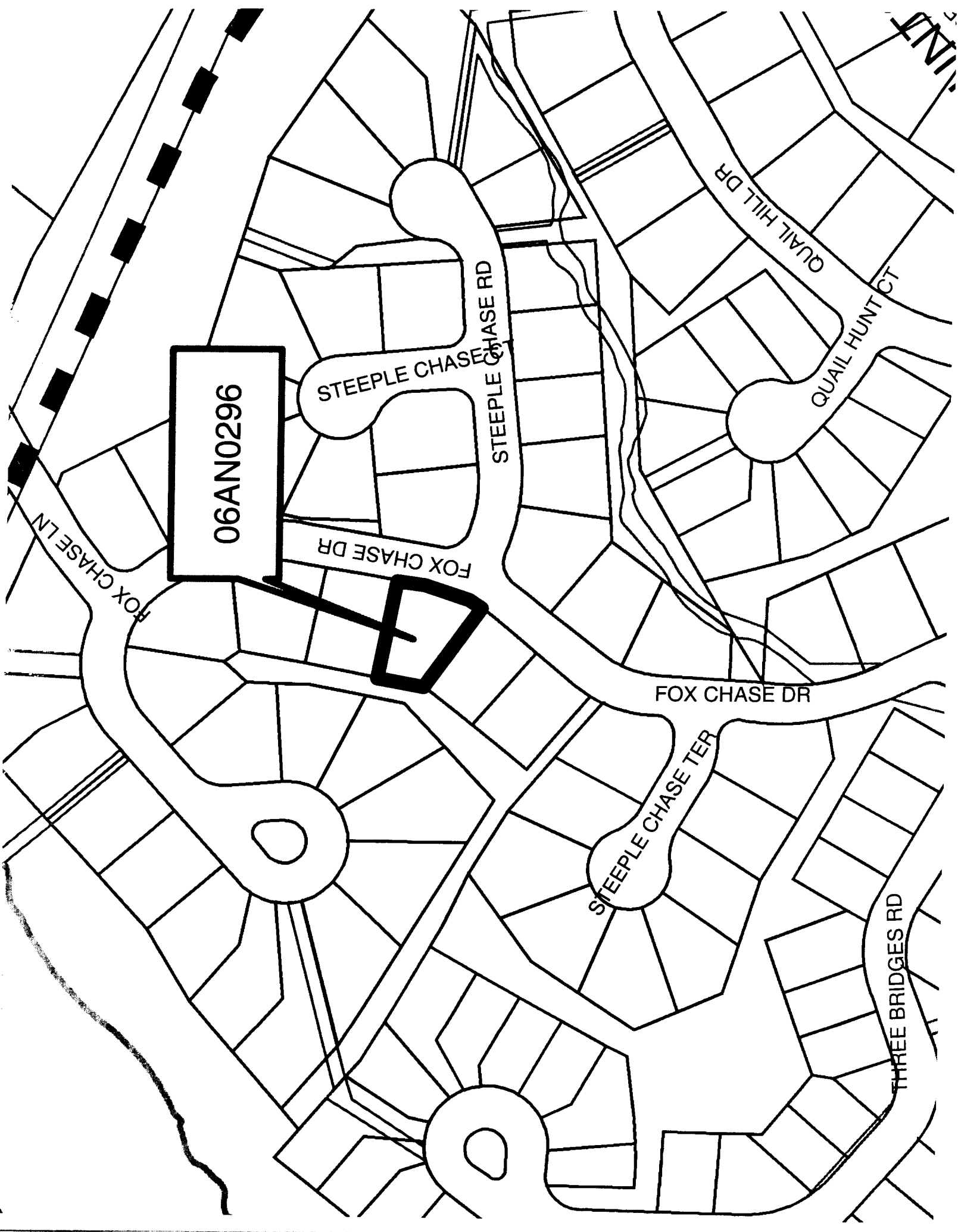
This type of request may have an adverse effect on the character of the area and may adversely affect the welfare of the persons residing or working in the area because the noise produced by six (6) dogs may create a nuisance.

The imposing of conditions will not mitigate the negative impact that this use may have on the area. Although the yard is adequately maintained and the dogs are confined in the house and within a fence in the rear yard, the number of dogs and the average size may be a nuisance or a safety issue to adjacent and area properties. Therefore, staff cannot support this request.

However, if the Board feels that this request has merit, staff recommends that it be subject to the following conditions:

CONDITIONS

1. Special Exception shall be granted to and for Greta Duran and Magno Orellana, exclusively, and shall not be transferable nor run with the land.
2. Special Exception shall be granted for a period not to exceed two (2) years from date of approval and may be renewed upon satisfactory reapplication and demonstration that the keeping of these six (6) dogs has not proved a detriment to the adjacent property or the area in general.
3. All dogs shall be kept in the existing dwelling. Whenever the animals are allowed outside the dwelling, they shall be on a leash or within the fence in the rear yard.
4. Should any one (1) of the dogs be given, sold or pass away, it shall not be replaced.
5. The applicants shall not breed or board dogs on this property.
6. The applicants shall provide a history of each dog, such as age, sex, color and size as well as a photo to the Planning Department within thirty (30) days of approval of the Special Exception.



06AN0296

STEEPLE CHASE RD

FOX CHASE DR

FOX CHASE DR

STEEPLE CHASE TER

QUAIL HILL DR

QUAIL HUNT CT

THREE BRIDGES RD